

Waitematā Local Board Hearings Committee OPEN MINUTES

Minutes of a meeting of the Waitematā Local Board Hearings Committee held in the Waitematā Local Board Room, Level 2, 35 Graham Street on Wednesday, 10 September 2014 at 1.05 pm and a reconvened meeting held on Monday, 15 September 2014 at 11.00 am.

PRESENT

Chairperson	Christopher Dempsey
Deputy Chairperson	Vernon Tava
Members	Greg Moyle (<i>from 1.12 pm, Item 11</i>)
	Deborah Yates

1 **Welcome**

2 **Apologies**

There were no apologies.

3 **Declaration of Interest**

There were no declarations of interest.

4 **Confirmation of Minutes**

Resolution number WTMH/2014/11

MOVED by Chairperson CP Dempsey, seconded by Deputy Chairperson VI Tava:

- a) **That the ordinary minutes of its meeting, held on Thursday, 13 March 2014 be accepted, as a true and correct record.**

CARRIED

5 **Leave of Absence**

There were no leaves of absence.

6 **Acknowledgements**

There were no acknowledgements.

7 **Petitions**

There were no petitions.

8 **Deputations**

There were no deputations.

9 **Public Forum**

There was no public forum.

10 **Extraordinary Business**

There was no extraordinary business.

11 **Notices of Motion**

There were no notices of motion.

12 Swimming Pool Fencing Exemption – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 for Gary Lane, 9 Argyle Street, Herne Bay, Auckland

Resolution number WTMH/2014/12

MOVED by Chairperson CP Dempsey, seconded by Deputy Chairperson VI Tava:

That the Waitemata Local Board Hearings Committee:

- a) **Agrees that, Item 12: Swimming Pool Fencing Exemption – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 for Gary Lane, 9 Argyle Street, Herne Bay, Auckland, be deferred to be considered at a reconvened meeting of the Waitemata Local Board Hearings Committee scheduled to be held on Monday, 15 September at 11.00 am at the Waitemata Local Board Room, 35 Graham Street, Auckland, to enable representatives, on behalf of Gary Lang, to present a verbal submission in support of the application, as they are currently overseas.**

CARRIED

13 Swimming Pool Fencing Exemption – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 for 46A Brighton Road, Parnell, Auckland

Resolution number WTMH/2014/13

MOVED by Chairperson CP Dempsey, seconded by Chairperson GJ Moyle:

That the Waitematā Local Board Hearings Committee:

- a) **Receives the Special Exemption Application for 46A Brighton Road, Parnell, Auckland, report.**
- b) **Receives the application by:**
- i) **Susanne Wood of 46A Brighton Road, Parnell**
- c) **Determines the application, by way of resolution, to:**
- i) **Grant the application subject to conditions.**

CARRIED

13.1 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Susanne Wood – 46A Brighton Road, Parnell

Resolution number WTMH/2014/14

MOVED by Chairperson CP Dempsey, seconded by Chairperson GJ Moyle:

- a) **That the Waitemata Local Board Hearings Committee grant the application by Susanne Wood – 46A Brighton Road, Parnell for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property (Susanne Wood), so that on a sale of the property a new owner will need to apply for a new exemption.**
- b) **That this exemption is granted subject to the spa pool remaining in its location as at Wednesday, 10 September 2014 and subject to conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs 3.10 'Above-ground spas and hot tubs' 3.10 i) to xiii) inclusive:**

- i. The top of the spa pool or hot tub shall be positioned with the entire top surface not less than 760mm above the surrounding ground or deck;
- ii. The cover shall be lockable and shall be kept locked when the spa pool or hot tub is not being used or supervised. A locking device shall contain a mechanical locking mechanism or a self-locking mechanism in addition to latching shut;
- iii. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
- iv. That the key to the locks be kept in a safe secure place inaccessible to a child of up to the age of six years old;
- v. When locked the cover shall be fitted so that if lifted it does not release the locking device or provide a clearance greater than 100mm;
- vi. The cover shall be made of a material that if walked on cannot collapse and can withstand the weight of at least 20kg to ensure that it will more than take the weight of a child up to six years old;
- vii. The cover shall be constructed of material that meets ASTM F1346-91 to allow easy movement on and off the spa pool or hot tub;
- viii. The cover shall be constructed with a taper from the centre hinge to the outside edge of the cover so that water will not pond on top of it;
- ix. The cover shall have an evenly spaced mechanical locking device as required in b) which shall be positioned to ensure the cover cannot be lifted more than 100mm by a child up to six years of age, and ensures that the cover is fixed securely to the spa pool or hot tub;
- x. The cover and locks shall be maintained at all times in a good state of repair;
- xi. Warning stickers/sign shall be placed on the cover to advise that it shall be locked in place when the spa pool or hot tub is not being used or supervised;
- xii. Removable steps, movable furniture, or other objects that can assist a young child to climb onto the cover, shall be stowed/stored away at least 1200mm from the side of the spa pool or hot tub;
- xiii. Any plant material that can support the weight of at least 20 kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

14 Swimming Pool Fencing Exemption – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 for 16 Dublin Street, St Marys Bay, Auckland

Resolution number WTMH/2014/15

MOVED by Chairperson CP Dempsey, seconded by Deputy Chairperson VI Tava:

That the Waitematā Local Board Hearings Committee:

- a) **Receives the Special Exemption Application for 16 Dublin Street, St Marys Bay, Auckland, report.**
- b) **Receives the application by:**
 - i) **Kelvin Trevor Gibson of 16 Dublin Street, St Marys Bay**
- c) **Determines the application, by way of resolution, to:**
 - i) **Grant the application subject to conditions.**

CARRIED

14.1 Swimming Pool Fencing Exemption – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 for 16 Dublin Street, St Marys Bay, Auckland

Resolution number WTMH/2014/16

MOVED by Chairperson CP Dempsey, seconded by Deputy Chairperson VI Tava:

- a) **That the Waitemata Local Board Hearings Committee note that members of the Hearings Committee were in attendance at a site visit which took place on Wednesday, 10 September 2014 at the applicant’s residence, with Auckland Council Officer, Jan Barnard, Senior Swimming Pools Specialist, and Reg Pritchard, Swimming Pool Inspector also in attendance.**
- b) **That the Waitemata Local Board Hearings Committee grant the application by Kelvin Trevor Gibson – 16 Dublin Street, St Marys Bay, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owners of the property (Kelvin Trevor Gibson), so that on a sale of the property a new owner will need to apply for a new exemption.**
- c) **The Waitemata Local Board Hearings Committee notes that the exemption relates to:**
 - i) *For the use of the doors, gates and backyard being used as the immediate pool area;*
 - ii) *Subject to the doors and gates being locked at all times when the pool is not in use.*
 - iii) *Placing Auckland Council stickers on doors which read ‘IMPORTANT – This door/window is part of a swimming pool fence and must be latched shut except when open under adult supervision.’*

CARRIED

15 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

Adjournment of Meeting

Resolution number WTMH/2014/17

MOVED by Chairperson CP Dempsey, seconded by Deputy Chairperson VI Tava:

That the Waitematā Local Board Hearings Committee:

- a) **Agrees to adjourn the meeting until 11.00 am on Monday, 15 September 2014 at the Waitemata Local Boardroom, 35 Graham Street, Auckland to enable representatives on behalf of Gary Lane, 9 Argyle Street, Herne Bay, Auckland, to present a verbal submission to the Committee in support of the application.**

CARRIED

The meeting adjourned at 1.31 pm.



Waitematā Local Board Hearings Committee

OPEN RECONVENED MINUTES

Minutes of a reconvened meeting of the Waitematā Local Board Hearings Committee held in the Waitematā Local Board Room, Level 2, 35 Graham Street on Monday, 15 September 2014 at 11.00 am.

PRESENT

Chairperson	Christopher Dempsey Greg Moyle
Members	Deborah Yates

ALSO PRESENT

Mr Dion Terewi
Mr Jeremy Carr

The meeting reconvened.

1 Welcome

2 Apologies

Resolution number WTMH/2014/16

MOVED by Member DA Yates, seconded by Chairperson GJ Moyle:

That the Waitematā Local Board Hearings Committee:

- a) **Accepts apologies from Member Vernon Tava for absence, be accepted.**

CARRIED

3 Declaration of Interest

There were no declarations of interest.

The order of business resumed at Item 12: Swimming Pool Fencing Exemption – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 for 9 Argyle Street, Herne Bay, Auckland.

12 Swimming Pool Fencing Exemption – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 for 9 Argyle Street, Herne Bay, Auckland

Mr Dion Terewi and Mr Jeremy Carr spoke to the Waitemata Local Board Hearings Committee on behalf of Mr Gary Lane in support of the application.

Resolution number WTMH/2014/17

MOVED by Chairperson CP Dempsey, seconded by Member DA Yates:

That the Waitematā Local Board Hearings Committee:

- a) **Receives the Special Exemption Application for 9 Argyle Street, Herne Bay, Auckland report.**
- b) **Receives the application by:**
- i) **Gary Lane of 9 Argyle Street, Herne Bay, Auckland.**
- c) **Determines the application, by way of resolution, to:**
- ii) **Grant the application subject to conditions.**

CARRIED

12.1 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Gary Lane – 9 Argyle Street, Herne Bay

Resolution number WTMH/2014/18

MOVED by Chairperson GJ Moyle, seconded by Member DA Yates:

That the Waitematā Local Board Hearings Committee:

- a) **That the Waitemata Local Board Hearings Committee note that members of the Hearings Committee were in attendance at a site visit which took place on Wednesday, 10 September 2014 at the applicant's residence, with Auckland Council Officer, Jan Barnard, Senior Swimming Pools Specialist, and Reg Pritchard, Swimming Pool Inspector also in attendance.**

- b) That the Waitemata Local Board Hearings Committee grant the application by Gary Lane – 9 Argyle Street, Herne Bay, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owners of the property (Gary Lane), so that on a sale of the property a new owner will need to apply for a new exemption.
- c) The Waitemata Local Board Hearings Committee notes that the exemption relates to:
 - i) That the current security measures remain in place and are not lessened.

CARRIED

11.32 am

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE WAITEMATĀ LOCAL
BOARD HEARINGS COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....